

FILED

AO\*91 (Rev. 08/09) Criminal Complaint

AUG 20 2015

## UNITED STATES DISTRICT COURT

for the

Northern District of California

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JCS

United States of America

v.

JING ZENG

Case No.

3-15-71060

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 9th and 10th, 2015 in the county of San Francisco in the  
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1832(a)(2)

Theft of trade secrets

Max Penalties (Class C Felony):

10 years in prison

\$250,000 Fine

3 years of Supervised Release

\$100 Special Assessment

This criminal complaint is based on these facts:

Please see attached affidavit

☒ Continued on the attached sheet.

Approved as to Form:



CANDACE KELLY



Complainant's signature

Cynthia Ho, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

8/20/2015



Judge's signature

City and state: San Francisco, California

JOSEPH C. SPERO, U.S. Magistrate Judge

Printed name and title

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**AFFIDAVIT IN SUPPORT OF  
COMPLAINT AND ARREST WARRANT**

I, Cynthia Ho, a Special Agent with the Federal Bureau of Investigation in San Francisco, California, being duly sworn, hereby depose and state the following:

**PURPOSE OF AFFIDAVIT AND AGENT BACKGROUND**

I am an “investigative or law enforcement officer of the United States,” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516, Title 18, United States Code.

**A. Summary and Purpose of Affidavit**

1. This affidavit is submitted in support of a request for an arrest warrant I am seeking in connection with an investigation of JING ZENG. As set forth herein, probable cause exists to believe that JING has violated 18 U.S.C. § 1832(a)(2).

2. The criminal conduct that is the subject of this Affidavit, and is described in more detail below, can be summarized as follows: ZENG was an employee of Machine Zone, Inc., which makes the on-line video game Game of War: Fire Age. In June 2015, ZENG learned that his job at Machine Zone was not secure and that he would likely need to leave the company. In July 2015, ZENG twice surreptitiously accessed a confidential company database called Tableau from his company laptop and accessed files that contained valuable, non-public information regarding the way customers use and interact with the Machine Zone game. ZENG did this once before he was terminated and once after he was terminated. After he was terminated, ZENG “wiped” and reformatted his Machine Zone laptop before he returned it to the company. The Machine Zone CEO confronted ZENG with evidence that ZENG had taken information from the Tableau database. ZENG admitted that he had done so, but denied any bad purpose. ZENG

asked for a severance package in exchange for destroying or returning the external media that contain the Tableau information he had taken without permission.

3. I am familiar with the information contained in this Affidavit based upon the investigation I have conducted, my training and experience, and information provided to me by other law enforcement officers who have participated in this investigation and in investigations regarding computer intrusions and theft of trade secrets.

4. The Affidavit contains information obtained from the following human sources, all of whom I believe to be credible because the information provided by each has been consistent and is corroborated by both documentation I have reviewed and monitored communications between ZENG and Gabriel Leydon, Machine Zone's CEO: Leydon, Tracy Lane, Kristen Dumont, Tory Valenzuela, and Eric Vandeveld, Machine Zone's outside counsel. These individuals have provided me with information obtained by Machine Zone during its internal investigation, including summaries of information provided by other Machine Zone employees.

5. I have also reviewed documents and information, provided by Machine Zone's attorneys, including email correspondence and spreadsheets showing data downloaded by ZENG. These documents corroborate the information that has been provided by the individuals listed in the previous paragraph.

6. Because this Affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that ZENG has committed a violation of 18 U.S.C. § 1832(a)(2).

**B. Affiant Background**

7. I am a Special Agent with the Federal Bureau of Investigation and have been since September 2001. I am currently assigned to the San Francisco Division Palo Alto Resident Agency located in Palo Alto, California. My duties include the investigation of various violations of federal criminal law, including matters related to the theft of trade secrets and economic espionage. In my capacity as a Special Agent, I have received training in and/or investigated cases involving various federal violations including, but not limited to, the theft of trade secrets, economic espionage, white collar crimes, organized crime, and counterintelligence related offenses. During my employment with the FBI, I have participated as an affiant and/or searcher of over fifty federal search warrants. My participation in the execution of those search warrants include, but is not limited to, the search and seizure of physical evidence, email accounts, and/or electronic devices to include computers, USB drives, external media, and portable digital storage devices.

8. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement personnel, and witnesses, I am familiar with the methods and practices used by individuals engaged in the theft of trade secrets. This Affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**FACTS SUPPORTING PROBABLE CAUSE****A. Background of ZENG and Machine Zone**

9. According to ZENG's resume provided to Machine Zone, ZENG obtained a Bachelor of Engineering in Electronics Engineering from the Shanghai Jiao-Tong University in Shanghai, China. ZENG obtained a Master in Business Administration from the University of

California, Los Angeles, Anderson School of Management in Los Angeles, California. ZENG's prior employment includes:

- a. June 1995 to July 2000: ZENG worked in Shanghai, China as the Lead Network Engineer for the Financial Bureau of Shanghai and as a Network Consultant for the Dicheng Information Technology, Inc.;
- b. July 2000 to July 2002: ZENG worked as a Senior Network Engineer at Peak XV Networks, Inc. in San Ramon, California;
- c. August 2002 to May 2011: ZENG was employed as the Director of Technology Infrastructure and Data Vendor Management at Moody's Analytics (formerly Moody's KVM) in San Francisco, California; and
- d. June 2011 to September 2012: ZENG was the VP of Sourcing and Procurement at Moody's Corporation in San Francisco, California.

10. From October 2012 to about the beginning of his employment at Machine Zone, ZENG was the Founding Partner at Co-Efficient Capital in Shanghai, China. The job description consists of supervising the company's technology operation and software trading platform development and high frequency trading software and strategy development.

11. According to the company, Machine Zone is a gaming developer headquartered in Palo Alto, California. Machine Zone is a privately held company that developed a mobile computer game, Game of War: Fire Age (Game of War). The game is ranked among the most popular game apps in the mobile gaming industry and is played by millions of players virtually at all hours of the day throughout the world. The company's substantial financial success with the Game of War lies in its proprietary technology that provides two things: a platform that enables them to monetize the gameplay at a rate far beyond that achieved by similar products and a built-

in language translator which enables players all over the world to communicate with each other in their native language.

12. On or about November 22, 2014, ZENG was hired as Director of Global Infrastructure and executed Machine Zone's Confidentiality and Intellectual Property Agreement. I have reviewed a copy of the agreement, which defines "Confidential Information" and states: "During and after the term of my employment, I will not disclose to any 'unauthorized persons' or use for any 'unauthorized purposes' any Confidential Information which I learn or receive in connection with my employment without the written consent of an officer of Company." Sec. 2.1. The agreement further states: "I agree to keep, and make available to Company on demand, adequate and current written records of all my Work Product. I agree that these records, and all other information and documents coming into my possession or kept by me in connection with my employment, are the sole property of Company. I agree to return to all originals and copies of all such documents to Company promptly upon termination of my employment." Sec. 4.4.

**B. ZENG's Dissatisfaction With His Position At Machine Zone**

13. On March 15, 2015, the Vice President (VP) of Operations left Machine Zone, and ZENG became the interim VP of Operations. ZENG expressed interest in the role on a permanent basis, but the company did not feel he was capable of performing the role in the long term.

14. On April 27, 2015, JC Chau (VP Technical Operations) started at Machine Zone and began supervising ZENG.

15. On April 28, 2015, ZENG encouraged Chau to use Fusionstorm as a vendor, an idea which Chau rejected.

16. On May 18, 2015, the Chief Technology Officer (CTO), Halbert Nakagawa, Chau, and ZENG met. ZENG said that he had issues with Chau's management style. ZENG sent a HipChat message to Francois Orsini (CTO of Platform), letting Orsini know he (ZENG) would like to work for the Platform team and that Nakagawa had okayed the move from Operations. Orsini responded "Cool. I will talk to him tomorrow as well."

17. On May 19, 2015, ZENG pulled Chau into a conference room and said there are "too many chefs in the kitchen," that he did not want to work for Chau anymore, and that he was leaving Operations and would like to move to the Platform team. Nakagawa asked ZENG to stay until the Las Vegas data center was finished, likely by the end of July 2015.

18. Orsini and Chau met and decided there should not be two operations groups at Machine Zone (i.e., there was no rationale for ZENG moving to the Platform team). Orsini informed ZENG of the decision and said that if ZENG wanted to contribute to the Platform team, it would have to be from his current position in Operations.

19. On May 20, 2015, ZENG agreed to finish the Las Vegas data center project before leaving Operations and said he would help interview his replacement.

20. On June 1, 2015, ZENG informed Machine Zone he was going on vacation in China. He was gone less than one week.

21. On June 6, 2015, during an Operations team meeting, Chau told the team (with ZENG present) that ZENG would be leaving the team at the end of July and that the company would be interviewing for ZENG's replacement soon.

22. On June 17, 2015, ZENG presented a PowerPoint presentation to Orsini entitled "MZ Platform Client Excellence Operation Team," which outlined ZENG's vision of a new Operations team within Platform. The presentation included a proposed structure for a new



Platform Client Operation team. Orsini told ZENG during the meeting that Machine Zone would not create such a team.

23. On June 19, 2015, the Machine Zone IT department captured certain log files relating to ZENG's computer for the period June 17, 2015 through June 19, 2015. The files show ZENG attached external storage devices to his laptop.

24. On July 2, 2015, ZENG sent Orsini a HipChat message: "Hi Francois [Orsini], just want to confirm with you that I will start at Platform team on August 1st." After Orsini did not reply, ZENG approached Orsini in person. Orsini confirmed that Machine Zone will not create two separate Operations organizations, that there is no job requisition in Platform, and that ZENG could help with Platform, but that he must do so from within Chau's Operations team.

25. On July 7, 2015, Chau informed his staff that Machine Zone would be trying to stay under a certain number of employees for the remainder of the year. At 12:56 p.m., ZENG sent a HipChat message to Orsini: "Hi Francois [Orsini], I was informed that we will limit the total employees by the end of this year. Will the limit affect my position in Platform team?"

26. After Orsini did not immediately reply, ZENG approached Orsini in person. Orsini told ZENG that there was no position in Platform and that Machine Zone would not create a separate position for ZENG. ZENG then pulled Chau into a conference room and said, "I think I screwed myself," acknowledging that there was no job for him in Platform. ZENG asked Chau for his old job back (in Operations), and Chau said no.

27. The next day, ZENG met with Melissa Lightbody (VP of Human Resources) and said he believed he had an agreement with Orsini for a position on the Platform team. Lightbody asked ZENG if Orsini had given him any formal written documentation; ZENG said no. Lightbody informed ZENG that if there was no position on the Platform team, then she and



ZENG will have to discuss ZENG's exit from the company. ZENG requested that the vesting of his options be accelerated. Lightbody told him that it was not company policy to do so. ZENG was visibly upset and said, "that will be a problem." ZENG asked if he can work somewhere else in Machine Zone until his one-year anniversary so that some of his options would vest.

### C. ZENG's Computer Activity

28. On or about July 9, 2015, ZENG logged into Machine Zone's Tableau database and accessed various business analytics reports. I have been informed by Machine Zone employees that ZENG had no business reason to do this as it was not part of his job responsibilities.

29. Machine Zone provided me with computer server logs showing ZENG's Virtual Private Network (VPN) activity. The log showed that ZENG's VPN was used to transfer a large amount of data between July 8, 2015 and July 10, 2015. As discussed in more detail below, the Tableau database is used by the company to collect valuable data regarding customer use that is used to optimize the performance of its video game. The below chart is a portion of the computer server logs provided to me by Machine Zone that shows ZENG's VPN activity during the times and dates indicated:

Date	Time	Duration (Minutes)	Duration (seconds)	MB Uploaded	Bytes Uploaded	MB Downloaded	Bytes Downloaded
7/8/2015	19:55:26	4.333333333	260	0.03862476349	40501	0.05135917664	53854
7/8/2015	20:32:39	28.11666667	1687	0.1442298889	151236	0.9127750397	957114
7/9/2015	2:17:25	261.9833333	15719	0.7232170105	758348	3.257620811	3415863
7/9/2015	3:23:57	32.21666667	1933	0.1994485855	209137	0.2104330063	220655
7/9/2015	11:51:34	38.75	2325	0.1295366287	135829	0.1449403763	151981
7/9/2015	12:50:50	59.03333333	3542	0.05539226532	58083	0.0690984726	72455
7/9/2015	14:02:49	1.583333333	95	0.02734088898	28669	0.02079200745	21802
7/9/2015	14:11:38	1.866666667	112	0.005392074585	5654	0.00842666626	8836
7/10/2015	2:36:08	195.8666667	11752	4.347326279	4558502	66.70763969	69948030

7/10/2015	3:19:03	32.7	1962	0.9505176544	996690	19.90453815	20871421
7/10/2015	3:21:47	1.366666667	82	0.09273910522	97244	1.398021698	1465932
7/10/2015	4:00:20	30.56666667	1834	0.9397010803	985348	17.32764053	18169348

30. On July 9, 2015, ZENG emailed Kristen Dumont (COO) and Gabe Leydon (CEO), explaining that he did not want to leave Machine Zone, but that if he must go, he would like his stock options. Dumont responded, telling ZENG to plan to meet with her on July 10. An Administrative Assistant sent an invitation to Leydon, Dumont, ZENG, and Lightbody to meet on July 10 from 6:30-7 p.m.

31. On July 10, 2015, ZENG again logged into the Tableau database and accessed more than 100 reports. According to sources at Machine Zone, he did not have any business reason for doing so.

**D. ZENG And The Company Agreed That He Would Separate From The Company**

32. On or about July 10, 2015, ZENG met with Leydon, Dumont, and Lightbody. Lightbody recapped her July 8 conversation with ZENG. ZENG said that he thought it was unfair he was being let go and made statements that Leydon, Dumont, and Lightbody interpreted as threatening the company. They ultimately negotiated a severance package. ZENG wanted to sign the severance agreement immediately but Dumont insisted that ZENG review the document with a lawyer. ZENG was told that Lightbody will send him a separation agreement and that ZENG should come back to review and sign it.

33. Lightbody requested and obtained a separation agreement from Legal and sent it to ZENG. ZENG responded that he needed the weekend to review it.

**E. ZENG Illegally Accessed And Wiped His Company Computer**

34. The company did not collect ZENG's laptop before he left the office on July 10, but it did disable his access at approximately 4 p.m.

35. At 4:17 p.m., ZENG sent an email to Lightbody, with the subject "My contact info," stating that his access had been terminated and providing his personal email (jingzengsf@gmail.com) and cell phone (925-858-2818).

36. ZENG reinstalled the operating system on his company-issued laptop at approximately 8:43 a.m. on July 12, 2015.

37. ZENG sent an email to Lightbody stating that he needed more time to review the separation agreement. ZENG said he will likely finish by early the following week.

38. On July 14, 2015, ZENG sent an email to Leydon, Dumont, and Lightbody, as well as ZENG's attorney, Michael Quillinan (mquillinan@fmcaw.com), seeking changes to his separation agreement.

39. Also on July 14, 2015, Lightbody sent an email to ZENG requiring him to return his company-issued equipment. On July 15, 2015, at approximately 10:00 a.m., ZENG copied certain Machine Zone files and documents onto his laptop from an external device. At approximately 10:30 a.m., ZENG returned his company-issued equipment to Machine Zone, with an accompanying sticky note containing his login info.

40. On or about July 15, 2015, Anthony Krainer in Machine Zone's Information Technology division confirmed that ZENG had reinstalled the operating system on his laptop. Machine Zone sent the laptop to outside computer forensic consultants who confirmed that the laptop had been reformatted (as discussed in more detail below).

41. On or about July 21, 2015, Machine Zone checked logs for the Tableau database and realized that ZENG had accessed numerous reports in the days leading up to his separation from the company. The information they found on July 21 included the specific reports and data transferred with ZENG's VPN between July 8<sup>th</sup> and 10<sup>th</sup> as discussed in paragraph 31.

**F. The Tableau Database**

42. Tableau is a commercially available data analytics and business intelligence software program that Machine Zone uses to process and provide critical insights into the enormous quantities of data generated by the millions of users who play Machine Zone's games, including, among other key metrics, player conversions, player engagement levels, and player activity monetization, broken down by time, geography, player age, and other characteristics.

43. Tableau is a data-visualization software. Tableau reports enable Machine Zone to understand at a very granular level, and make important business and engineering decisions based on, what is happening in the game in a near real-time manner, for example, what features and activities engage players the most, what in-game items generate the most revenue, and what situations or problems cause players to not complete the registration process, stop playing, or play less.

44. Leydon has informed me that the contents of the Tableau database are confidential and proprietary. The company has taken numerous steps to protect the contents of the Tableau database and the information is not available to the public or outside Machine Zone. Machine Zone has taken reasonable steps to keep the Tableau reports secret. Only a handful of Machine Zone engineers have access to the Tableau reports and the ability to grant other engineers to other employees. Access is not provided by default to Machine Zone's employees or even engineers. Access is provided only to select employees and even then, such access is

limited only to the specific reports and information needed for those employees to perform their jobs.

45. Machine Zone estimates that many thousands of hours of engineering hours and research and development effort were invested into the implementation of the Tableau database and the development on the specific types of reports that allow the company to monitor and understand how the game is functioning. The reports generated from the data in Machine Zone's Tableau database provide valuable insight and a huge competitive advantage over other online game providers and competitors. The information is commercially valuable.

46. The Game of War: Fire Age (The Game of War) is Machine Zone's primary product and is a valuable and commercially successful product. As explained by Machine Zone, the company's product, the Game of War, is ranked among the most popular game apps in the mobile gaming industry and is played by millions of players virtually at all hours of the day throughout the world. The company's substantial financial success with the Game of War lies in its proprietary technology that provides two things: a platform that enables them to monetize the game play at a rate far beyond that achieved by similar products and a built-in language translator which enables players all over the world to communicate with each other in their native language.

#### **G. ZENG's Overseas Travel**

47. A query of the U.S. Customs and Border Protection (CBP) records indicated that ZENG departed San Francisco Airport and traveled to Shanghai Pudong International Airport, China on July 17, 2015 aboard United Airlines Flight 857, and returned to San Francisco Airport on August 5, 2015 aboard United Airlines Flight 858.

48. Additional queries of CBP records conducted on August 18, 2015 revealed that ZENG has a scheduled flight departing San Francisco Airport at 1:30 p.m. on August 20, 2015 to Shanghai Pudong International Airport, China. According to CBP, ZENG also has a scheduled flight departing Shanghai, China to Chengdu Shuangliu International Airport at 7:45 a.m. on August 22, 2015.

49. This information is consistent with what ZENG reported to Leydon regarding his upcoming trip to China as described below.

#### **H. ZENG's Contact With Machine Zone and Meeting with the CEO**

50. On or about August 11, 2015, ZENG, through his attorney, Michael Quillinan, emailed Machine Zone to set up a meeting between ZENG and Leydon. The email reads as follows:

“Consistent with all my prior communications, Jing has nothing to hide. While he is very reluctant to give the company anything at this point without a promise of consideration, he is willing to meet with just Gabe in person, without attorneys, at a coffee shop near the Machine Zone offices to talk about the laptop concern only. Jing is currently available this Wednesday to Friday in the afternoons. If those days don't work, he is currently available next Monday or Tuesday. Please let me know a time and place that works for Gabe and we will confirm.”

51. Machine Zone contacted the FBI, shared the information set forth above, and discussed the meeting with Leydon and ZENG. The FBI arranged for audio recording and surveillance of the meeting by FBI agents.

52. On August 17, 2015, at approximately 2:40 p.m., ZENG met with Leydon at a café on California Avenue in Palo Alto, California. During the meeting, ZENG made various comments to Leydon including that he had downloaded files from the company-issued laptop, backed up the files to a USB drive or a larger portable external hard drive, and later wiped the laptop during a drunken moment. ZENG said he had pushed a button that wiped the laptop, but

he then put stuff back on it using back-up files from a USB drive. In response to Leydon's question concerning the whereabouts of the hard drives, ZENG said one of the drives may be in China and one may be at his house in San Ramon. ZENG made conflicting statements about the number of drives that may contain Machine Zone materials. ZENG was reluctant to provide the drives to Leydon because he indicated that he has personal passwords and information on the drives.

53. ZENG admitted to Leydon that he accessed the Tableau files but said that he only took screen shots of the documents. ZENG explained to Leydon that he was only trying to assess how well the company was doing in order to assess the value of his stock options.

54. During the discussion concerning the details of the severance package, ZENG and Leydon discussed the initial offer of a 3 month package, and ZENG stated that he wants a 6-7 month severance package. ZENG suggested that Leydon could make the 6-7 month severance package conditional on ZENG's returning the drives. Specifically, ZENG said that Leydon could write him a check for the severance package and ZENG would mail the drives back to him. During the discussion, ZENG noted that he owed a significant amount of taxes.

55. At some point during the meeting, ZENG told Leydon that he is returning to China.

56. That evening on August 17, 2015, the day of his meeting with Leydon, ZENG, using his znging@yahoo.com, emailed Leydon the following message (typos in original):

"Hi Gabe,

I called my girl friend in China to check my bag. She found 1 USB hard drive, 1 memory card, and 2 USB flash drives. You said there are 3 but I don't know which three you are talking about so I am willing to send them all to a reputable security vendor to check. But I have to delete the files on them before sending over since they have my personal files, passwords, and other work such as trading strategies I developed before joining Machine Zone.



Based on today's conversation, we will first sign the separation agreement with the conditions of checking those storage devices. I will fedex those 4 devices to the vendor we both agree as soon as I back to China (please give me a little time since when I reach China, it's already Friday afternoon 6 p.m. I am not sure whether the shipping companies open over thee weekend).

Please let me know if you have any other question or concern.

Note: Machine Zone seems blocking my gmail so I am sending this message through my yahoo email box.

Thanks  
Jing”

57. Later that night, Leydon responded:

Jing - thanks. You said that 2 of the drives were in San Ramon, 1 was in China. Please send the storage devices in San Ramon to me ASAP. As I said, I'm very concerned that MZ's critical data is in China. How quickly can you get that device to the U.S.? Also, we need to check for the return of the data so please don't wipe. I'll get agreement drafted.

58. The next day, August 18, ZENG responded:

Hi Gabe,

To clarify, in yesterday's meeting I said I thought two of the drives may be in China and that I will check whether there is one drive in San Ramon, but I found no drive in San Ramon, and 4 drives in China (1 USB hard drive, 1 flash card, and 2 USB drives). I don't remember ever connecting the 2 USB drives but I if possible I want to make you comfortable.

As I said yesterday, I deleted all Machine Zone related files after leaving Machine Zone. There is no critical data in China, but I understand that you want to independently verify.

My concern with sending the drives to you is that they contain all my personal data, all my bank and financial account passwords, and personal information of my former clients from the real estate company I founded, personal photos, and proprietary trading strategies. I want to figure out a way to address your concerns but I also need to protect the privacy of my personal data. I suggest using a third-party security company, and each have somebody we trust present when they check the drives, and then they destroy the drives after checking.

I would like to have the separation agreement signed before checking the drives.

And I will cooperate to make sure that all Machine Zone's confidential information is returned.

Thanks  
Jing

59. ZENG and Leydon exchanged more emails on August 18 and 19 primarily focused on the terms of the separation agreement and ZENG offering views and opinions regarding Machine Zone. ZENG also reminded Leydon that he is leaving for China "tomorrow" or August 20, 2015.

**I. Summary of Probable Cause**

60. There is probable cause to believe that ZENG violated 18 U.S.C. § 1832(a)(2) by downloading Machine Zone trade secrets from the Tableau database, without authorization, and storing those trade secrets on external storage devices.

61. I have been informed by Machine Zone that the contents of the Tableau database are protected by the company from public dissemination, that the information in the database would be valuable to other companies in the video gaming industry (competitors) and is valuable to Machine Zone because competitors do not have access to it.

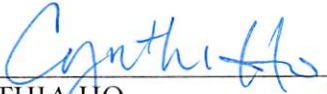
62. There is probable cause to believe that ZENG knew that it was wrong for him to download information from the Tableau database because he wiped his Machine Zone computer and reformatted it before he returned it to the company after he was fired.

**REQUEST FOR SEALING**

63. Because this investigation is continuing, disclosure of the contents of this affidavit will jeopardize the progress of the investigation. Accordingly, I request that the Court issue an order pursuant to which the Application for Search Warrant, the Search Warrant, and the Affidavit be filed under seal under further order of this Court.

CONCLUSION

64. The undersigned respectfully requests that the Court issue a warrant for the arrest of JING ZENG based on probable cause that he violated 18 U.S.C. § 1832(a)(2).

  
\_\_\_\_\_  
CYNTHIA HO  
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me

this 20th day of August 2015

  
\_\_\_\_\_  
JOSEPH SPERO  
United States Magistrate Judge